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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,083	05/02/2007	Stewart A. Burton	303-102(US)	8388
21091	7590	12/09/2008	EXAMINER	
JOHN H CROZIER 1934 HUNTINGTON TURNPIKE TRUMBULL, CT 06611			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3654	
			MAIL DATE	DELIVERY MODE
			12/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/578,083	BURTON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	ERIC PICO	3654

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 July 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 22-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. **Claim 43** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. **Claim 43** recites the limitation "said platform" in claim 43, line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. **Claim(s) 22, 28, 29, and 43** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson U.S. Patent No. 1228162.
6. **Regarding claim 22**, Anderson discloses a lifting device comprising:
7. a column 13, 14 generally vertical when the lifting device is in an operating position, said column 13, 14 including two rear channels and two forwardly open

channels extending the length of said column 13, 14, each of said rear channels having a passageway open to the front of said column 13, 14;

8. a carriage 18 positioned to the front of said column 13, 14 and normally generally horizontal when the lifting device is in an operating position,

9. a pair of spaced forks 25 at one end of said carriage 18, each having an one end connected to said carriage 18 and the other end operatively connected to said column 13, 14;

10. at least one rear bearing 35 adjacent the other end of each of said forks 25, said rear bearing 35 of one of said forks 25 riding in one of said rear channels and the said rear bearing 35 of the other of said forks 25 riding in the other of said rear channels; and

11. a fork bearing 27 on each fork 25 positioned downwardly and forwardly from the rear bearing 35; said fork 25 bearing of one of said forks 25 riding in one of said forwardly open channels and the fork bearing 27 of the other of said forks 25 riding in the other of said forwardly open channels whereby said carriage 18 is moveable along said column 13, 14.

12. **Regarding claim 28**, Anderson discloses wherein a chassis 10 attached to a lower end of said column 13, 14 underlies said carriage 18 and rests on a surface upon which said device is disposed.

13. **Regarding claim 29**, Anderson discloses wherein said device has first wheels 11 disposed at a lower end of said column 13, 14 and second wheels 11 disposed at a distal end of said chassis 10.

14. **Regarding claim 43,** Anderson discloses wherein said carriage 18 is configured to hold thereon a toolbox, a chest of drawers, a seat of a vehicle, a circular container, or an object in a vise disposed at an edge of said platform 18.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claim(s) 23, 26, and 38** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786.

17. **Regarding claim 23,** Anderson discloses a slide 24 having two ears, shown as the ends of cross piece 24, and a lead screw 37 in engagement with said slide 24 to move said slide 24 along said column 13, 14 upon rotation of said lead screw 37, said slide 24 being operatively connected to said forks 25 to move said forks 25 along said column 13, 14 as said lead screw 37 is rotated.

18. Anderson is silent concerning said column having two flanges, said ears engaging said flanges to support said slide for movement along said column.

19. Kim teaches a slide 20 having two ears, shown as the ends of lifting platform 20, said column having two flanges, said ears engaging said flanges to support said slide

20 for movement along a column 10, and a lead screw 31 in engagement with said slide 20 to move said slide 20 along said column 10.

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the column disclosed by Anderson with flanges as taught by Kim and engage the ears disclosed by Anderson to the flanges as taught by Kim to facilitate the movement of the carriage.

21. **Regarding claim 26**, Anderson discloses wherein said lead screw 37 is disposed within said column 13, 14.

22. **Regarding claim 38**, Anderson is silent concerning wherein at least one of said first wheels is driven by a motor.

23. Kim teaches wherein at least one of said first wheels is driven by a motor.

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to drive wheels disclosed by Anderson by a motor as taught by Kim to facilitate the movement of the device.

25. **Claim(s) 24, 25, and 30** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786 as applied to claim 22 above, and further in view of Tsai U.S. Patent No. 6425599.

26. **Regarding claim 24**, Anderson is silent concerning wherein said device can be folded with said column and said carriage generally parallel, so that said device can be transported or stored.

27. Tsai teaches a device can be folded with a column 21 and a carriage 50 generally parallel, so that said device can be transported or stored.
28. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the device disclosed by Anderson to be folded with said column and said platform generally parallel as taught by Tsai to facilitate the transportation and storage of the device.
29. **Regarding claim 25**, Anderson is silent concerning wherein said device includes a brake mechanism that can be activated when the device is folded
30. Kim teaches wherein: said device includes a brake mechanism that can be activated, Paragraph [0034].
31. Tsai teaches a device can be folded.
32. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the device disclosed by Anderson to be folded with said column and said platform generally parallel as taught by Tsai to facilitate the transportation and storage of the device.
33. **Regarding claim 30**, Anderson discloses a handle 15 attached to said column 13, 14 to aid in carrying said device.
34. Anderson is silent concerning said device is in its folded position.
35. Tsai teaches a handle 23 attached to said column 21 to aid in carrying said device when said device is in its folded position.
36. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the device disclosed by Anderson to be folded with said column and

said platform generally parallel as taught by Tsai to facilitate the transportation and storage of the device.

37. **Claim(s) 27, 35, and 36** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786 as applied to claim 22 and 26 above, and further in view of Rhodes U.S. Patent No. 3907138.

38. **Regarding claim 27**, Anderson discloses wherein said lead screw 37 is rotated.

39. Anderson is silent concerning wherein said lead screw is rotated by an electric motor, said electric motor receiving power from a source internal to said device.

40. Rhodes teaches wherein a lead screw 60 is rotated by an electric motor 66, said electric motor 66 receiving power from a source 74 internal to said device.

41. It would have been obvious to one of ordinary skill in the art at the time of the invention to rotate the lead screw disclosed by Anderson by an electric motor, said electric motor receiving power from a source internal to said device as taught by Rhodes to facilitate the movement of the carriage.

42. **Regarding claim 35**, Anderson is silent concerning arms extending generally horizontally from said column to stabilize said load.

43. Rhodes teaches arms, referred to as strap bar 92, extending generally horizontally from said column 10 to stabilize said load.

44. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend arms generally horizontally as taught by Rhodes from the column disclosed by Anderson to stabilize said load

45. **Regarding claim 36**, Anderson is silent concerning at least one strap extending from at least one of said arms to stabilize said load.

46. Rhodes teaches at least one strap 96 extending from at least one of said arms 92 to stabilize said load.

47. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend at least one strap from at least one of said arms as taught by Rhodes from the column disclosed by Anderson to stabilize said load.

48. **Claim(s) 31 and 32** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786 as applied to claim 22 above, and further in view of Rountree U.S. Patent No. 6561745.

49. **Regarding claim 31**, Anderson is silent concerning tie down straps connected to sides of said carriage to secure said load.

50. Rountree teaches tie down straps 31, 32 connected to sides of a carriage to secure a load.

51. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect tie down straps as taught by Rountree to the carriage disclosed by Anderson to fasten the load onto the platform.

52. **Regarding claim 32**, Anderson is silent concerning wherein said tie down straps can be selectively positioned along said side of said carriage.

53. Rountree teaches wherein said tie down straps 31, 32 can be selectively positioned along a side of said carriage.

54. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect tie down straps as taught by Rountree to the carriage disclosed by Anderson to fasten the load onto the platform.

55. **Claim(s) 33** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786 as applied to claim 22 above, and further in view of Hsieh et al. U.S. Patent No. 5951037.

56. **Regarding claim 33**, Anderson is silent concerning wherein said carriage can be selectively manually lengthened or shortened.

57. Hsieh et al. teaches wherein a carriage 50 can be selectively manually lengthened or shortened.

58. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the carriage disclosed by Anderson to be selectively manually lengthened or shortened as taught by Hsieh et al. to adjust the carriage for various loads.

59. **Claim(s) 34** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786 as applied to claim 22 above, and further in view of Hanson U.S. Patent No. 2778515.

60. **Regarding claim 34**, Anderson is silent concerning an upper ball foot disposed at an upper end of said column that engages a surface on which said device is placed when said column is horizontal.

61. Hanson teaches an upper ball foot disposed at an upper end of said column that engages a surface on which said device is placed when said column is horizontal, shown in Figure 5.

62. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose an upper ball foot as taught by Hanson at an upper end of said column disclosed by Anderson to support the device when placed horizontal.

63. **Claim(s) 37** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786 as applied to claim 22 above, and further in view of Lemme et al. U.S. Patent No. 4579504.

64. **Regarding claim 37**, Anderson is silent concerning a crane structure extending from said column.

65. Lemme et al. teaches a crane structure 20 extending from a column 14.

66. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend a crane structure as taught by Lemme et al. from the column disclosed by Anderson to facilitate the lifting of the load onto the platform.

67. **Claim(s) 39 and 40** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786 as applied to claim 29 above, and further in view of Johansson U.S. Patent No. 5951234.

68. **Regarding claim 39 and 40**, Anderson is silent concerning wherein each of said second wheels comprises: a vertical circular wheel disposed on a horizontal shaft; said

horizontal shaft disposed operatively connected to a horizontal plate disposed above said horizontal shaft; said horizontal plate engaging generally horizontal ball bearings disposed between a plate fixedly connected to said carriage and said horizontal plate, said plate being beneath said horizontal plate; and wherein each of said second wheels comprises at least two configurations manually selectable by rotation of said second wheels.

69. Johansson teaches wherein each of second wheels comprises:
70. a vertical circular wheel 4 disposed on a horizontal shaft;
71. said horizontal shaft disposed operatively connected to a horizontal plate 14 disposed above said horizontal shaft;
72. said horizontal plate 14 engaging generally horizontal ball bearings disposed between a plate fixedly connected to said carriage and said horizontal plate, said plate being beneath said horizontal plate 14; and
73. wherein each of said second wheels comprises at least two configurations manually selectable by rotation of said second wheels.
74. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the second wheels disclosed by Anderson with two configurations as taught by Johansson to raise the carriage.
75. **Claim(s) 41 and 42** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson U.S. Patent No. 1228162 in view of Kim U.S. Publication No. 2001/0038786 as applied to claim 29 above, and further in view of Johnson et al. U.S. Patent No. 3445958.

76. **Regarding claim 41**, Anderson is silent concerning wherein each of said first wheels has as relatively soft circular removable covering placed thereabout to assist said first wheels in maneuvering across soft terrain.

77. Johnson et al. teaches wheels has as relatively soft circular removable covering 10 placed thereabout to assist said wheels in maneuvering across soft terrain.

78. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wheels disclosed by Anderson with a relatively soft circular removable covering as taught by Johnson et al. to facilitate the movement of the vehicle over certain terrain.

79. **Regarding claim 42**, Neal et al. is silent concerning wherein said relatively soft circular removable covering is filled with a foam material.

80. Johnson et al. teaches wherein: said relatively soft circular removable covering is filled with a foam material.

81. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wheels disclosed by Anderson with a relatively soft circular removable covering as taught by Johnson et al. to facilitate the movement of the vehicle over certain terrain.

#### *Response to Arguments*

82. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP  
/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3654

***Conclusion***

83. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination 10/578,083 BURTON ET AL.	
		Examiner ERIC PICO	Art Unit 3654	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-1,228,162	05-1917	Anderson, J.H.	187/238
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
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	Q					
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	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
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	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.